

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

First Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: David Staples

Docket No.: 4:17CR00622-1 CDP

Name of Sentencing Judicial Officer: The Honorable Catherine D. Perry
Senior United States District Judge

Date of Original Sentence: January 4, 2019

Original Offense: Felon in Possession of a Firearm

Original Sentence: 27 months imprisonment and 2 years supervised release. On October 14, 2020, term of supervised release revoked and sentenced to 30 days imprisonment and 24 months supervised release.

Type of Supervision: Supervised Release

Date Supervision Commenced: October 21, 2020
Expiration Date: October 20, 2022

Assistant U.S. Attorney: Linda R. Lane

Defense Attorney: Patrick S. Kilgore

PETITIONING THE COURT

To amend the original petition to include new information. The additional information is in bold print.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number

Mandatory Condition No. 1: You must not commit another federal, state or local crime.

Mandatory Condition No. 2: You must not unlawfully possess a controlled substance.

Standard Condition No. 10: You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers

Nature of Noncompliance

On February 22, 2022, David Staples was arrested by officers of the St. Louis Metropolitan Police Department (SLMPD) for Felon in Possession of a Firearm (felony), Possession of a Controlled Substance (felony), Resisting Arrest for a Felony (felony), and an outstanding warrant for Resisting Arrest (felony).

According to SLMPD records (Incident Report 21-006368), on February 12, 2021, officers observed a black four door vehicle parked and running and positioned their vehicle behind the parked vehicle. The officers observed a male get behind the vehicle and begin to push the vehicle. A computer inquiry revealed that the plates were registered to a Ford Truck. Officers activated their emergency lights and siren and the male pushing the vehicle stopped. Officers approached the vehicle and identified the driver as David Staples. Additionally, Staples provided an address of 1400 Belt. Officers inquired if there were weapons in the vehicle, to which Staples replied, "Not that I know of" and also reported that he was scared. Officers instructed Staples to exit the vehicle. Staples reached down and closed the vehicle door and stated, "You know what it is," and sped away from the scene in the vehicle. Staples fled at a high rate of speed and violated a stop sign, creating a substantial risk for other drivers and pedestrians. The unidentified male at the scene fled on foot. Officers confirmed Staple's identity using his driver's license photo. David Staples was entered as a wanted person for Resisting Arrest (felony).

On March 11, 2021, this officer interviewed Staples regarding this violation. Staples reported he did not know anything about the incident. This officer notified Staples that he was wanted for Resisting Arrest by SLMPD. This officer instructed Staples that he must turn himself in to the SLMPD. Staples failed to turn himself in or contact SLMPD regarding the wanted person.

According to SLMPD records (Incident Report 22-007403), On February 22, 2022, officers on patrol observed a silver Ford Taurus violate a stop sign. Officers conducted a traffic stop and the driver, David Staples, immediately exited the vehicle. Staples produced his driver's license and submitted to a pat search. A computer inquiry revealed a traffic warrant as well as a wanted for Felony Fleeing. While attempting to place Staples in handcuffs, he fled on foot. Officers deployed a taser; however, Staples continued to flee. Officers deployed a second taser cartridge which also failed to stop Staples. Officers continued to pursue Staples and were able to place him on the ground and secure him in handcuffs. A search of the Ford Fusion revealed a brown and black colored Taurus make, model G2C, 9mm firearm. The weapon was loaded with one live round in the chamber and 12 additional rounds in the magazine. A computer inquiry of the firearm revealed the weapon was not reported as stolen. Staples was conveyed to the South Patrol Division. Officer's attempted to search Staples; however, he refused to open his mouth. Staples then partially parted his lips and officers observed a white chunky/runny substance begin to drop out of the sides of his mouth. Staples reported that he swallowed crack cocaine and collapsed onto the floor. Staples was conveyed by ambulance to Barnes Jewish Hospital. Upon arrival at the hospital, officers observed an additional clear plastic baggie of a hard white substance, consistent with crack cocaine in Staples' right sock. Staples was advised he was being charged, at large, with Felon in Possession of a Firearm, Possession of a Controlled Substance, and Felony Resisting. Additionally, Staples was issued a citation for violating a stop sign per ticket No. 211257953.

On February 23, 2022, Staples contacted this officer after admission to a psychiatric unit at a hospital following his arrest on February 22, 2022. Staples admitted to possessing crack cocaine for his personal use and from fleeing from law enforcement officers on foot relative to the arresting incident.

Violation Number

Mandatory Condition No. 1: You must not commit another federal, state or local crime.

Mandatory Condition No. 2: You must not unlawfully possess a controlled substance.

Nature of Noncompliance

On November 8, 2022, David Staples was arrested by officers of the St. Louis Metropolitan Police Department (SLMPD) for Possession of a Controlled Substance (felony), Resisting Arrest for a Felony (felony), Resisting Arrest by Fleeing – Creating a Substantial Risk of Serious Injury/Death to Any Person (felony), and Leaving the Scene of an Accident – Property Damage Exceeding \$1000 (felony).

According to SLMPD records (incident report 22-053323), on November 8, 2022, officers on patrol observed a 2001 green Dodge Ram with two occupants, parked along a curb. A computer inquiry revealed the license plates were registered to a 1995 Dodge Ram. Officers activated their emergency lights and parked behind the vehicle. Officers made contact with the driver, David Staples, and the passenger, who both voluntarily provided pedigree information. While officers were walking back to their vehicle, Staples put the vehicle in drive and accelerated away from the officers at a high rate of speed. The officers returned to their vehicle and attempted to follow the Dodge from a safe distance. The officers observed the vehicle taillights swaying back and forth. Staples lost control of the vehicle, drove onto an empty parking lot, struck a concrete streetlight, struck a fence, and then came to a rest in the middle of Cote Brilliante. Staples exited the vehicle and fled on foot. An officer drew his department issued taser, pointed it at Staples, and issued a verbal command to lay on the ground. Staples complied with the order and was taken into custody.

The vehicle passenger remained near the disabled vehicle and was transported to Barnes Jewish Hospital. Staples was arrested and transported to South City Hospital. While at the hospital, an officer observed a bulge in Staples' right sock. A search of Staples' right sock revealed two clear knotted baggies containing suspected narcotics. A search of Staples' left sock revealed another clear knotted baggy containing suspected narcotics.

Staples has not been interviewed by this officer regarding this violation as he is currently incarcerated.

Violation Number

Mandatory Condition No. 3: You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Nature of Noncompliance

On February 21, 2021, Staples submitted a sample for drug testing which tested positive for the use of cocaine and marijuana. On March 2, 2021, the national drug laboratory confirmed the positive result for the use of cocaine.

Staples was interviewed on March 11, 2021 and admitted that he last used marijuana and cocaine on January 1, 2021.

On September 13, 2021, September 24, 2021, and October 11, 2021, Staples submitted samples for drug testing which tested positive for the use of cocaine and fentanyl.

On September 28, 2021, Staples was interviewed and admitted to using unknown pills due to stomach pain he was experiencing. Additionally, Staples admitted to using powder cocaine a few weeks prior to the interview.

On November 15, 2021, and November 29, 2021, Staples submitted samples for drug testing which tested positive for the use of cocaine.

On December 3, 2021, Staples was interviewed by this officer and admitted to using crack cocaine on the weekends.

Violation Number

Standard Condition No. 2: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Nature of Noncompliance

On May 18, 2021, this officer mailed a letter to Staples' residence instructing him to report to the probation office on May 25, 2021, at 9:00 am. Staples failed to report as instructed.

On June 21, 2021, this officer interviewed Staples regarding this violation. Staples could not recall why he did not show up for the office visit. During the call Staples kept repeating that this officer was making him have anxiety.

Violation Number

Special Condition: You must participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

Special Condition: You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

Nature of Noncompliance

On October 14, 2021, October 28, 2021, and November 11, 2021, Staples failed to report for dual diagnosis (substance abuse/mental health) counseling at Risse Counseling Services in St. Louis, Missouri. Staples was not interviewed regarding these violations.

On December 14, 2021, Staples failed to report for dual diagnosis (substance abuse/mental health) counseling at Risse Counseling Services in St. Louis, Missouri.

Staples has not been interviewed regarding these violations as this officer was unable to make contact with Staples by phone or in person, prior to his arrest on February 22, 2022.

Violation Number

Special Condition: You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

Nature of Noncompliance

On March 5, 2021, Staples failed to report for drug testing at Avertest in St. Louis, Missouri.

On March 11, 2021, Staples was interviewed by this officer and admitted he forgot to call the test line.

On May 12, 2021, Staples failed to report for drug testing at Avertest in St. Louis, Missouri.

On June 22, 2021, Staples was interviewed and reported that he was working a job for cash and could not make it to the test.

On December 8, 2021, and January 17, 2022, Staples failed to report for drug testing at Avertest in St. Louis, Missouri.

Staples has not been interviewed regarding these violations as this officer was unable to make contact with Staples by phone or in person prior to his arrest on February 22, 2022.

Previous Violations

On January 22, 2021, a violation report was submitted to the court due to Staples use of cocaine, failure to follow the instructions of the probation officer, failure to report for mental health treatment, and failure to report for drug testing. Staples was issued verbal reprimands as well as a written warning letter.

U.S. Probation Officer Recommendation: It is respectfully recommended the original petition be amended with the aforementioned information highlighted in bold print. This officer continues to recommend Staples' term of supervised release be revoked.

Due to the seriousness of the new felonious conduct and ongoing drug use, it does not appear that Staples is amendable to community supervision at this time **and he presents a safety risk to the community.**

The Supervised Release should be revoked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **November 15, 2022**

Approved,

by *Jennifer Lee Parker*

Jennifer L. Parker
Supervising U.S. Probation Officer
Date: **November 15, 2022**

Respectfully submitted,

by *Thomas A. Nolan*

Thomas A. Nolan
U.S. Probation Officer
Date: **November 15, 2022**

THE COURT ORDERS:

Amend the Original Petition
 No Action
 The Issuance of a Warrant
 The Issuance of a Summons
 Appearance Date:
 Appearance Time:
 Courtroom Number:
 Other

Catherine D. Levy
Signature of Judicial Officer

November 15, 2022
Date